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LERNER GREENBERG STEMER LLP
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In re Application of
Abraham Wien et al
Application No. 10/661,053
Filed: September 12, 2003
Attorney Docket No. W1036/20013

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: **OFFICE OF PETITIONS**
: **DECISION DISMISSING PETITION**
: **UNDER 37 CFR 3.81(b)**
:

This is a decision on the petition, filed January 11, 2007, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Issue Fee Transmittal Form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is dismissed.

Petitioner states that the assignee's name is RVAW, INC and that RVAW, INC was incorrectly spelled on the Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner herein requests that the patent issue to RVAW, INC.


37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

Office records show the \$100 certificate of correction fee was received on October 23, 2006. However, there is no indication that the \$130 petition fee was submitted. The instant request under 37 CFR 3.81(b) cannot be granted until the \$130 petition fee is received.

¹ See Official Gazette of June 22, 2004

Inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions